SPLA No. 5 of 2001
(Old No. 24 of 1995)
Hon'ble B.C. Kandpal, J.

Case called out twice.

None has appeared on behalf of the appellant in spite of sufficient service of notice.

Heard learned A.G.A. for the State and perused the impugned judgment and order passed by the trial court.

This leave to appeal has been filed by Smt. Asha Devi/appellant against the judgment and order dated 19.01.1995 passed by 1st Additional Civil Judge/Additional C.J.M, Dehradun thereby acquitted the respondents under Sections 498-A and 406 of I.P.C.

Feeling aggrieved by the aforesaid judgment and order, the appellant preferred this appeal before the Allahabad High Court which has been transferred to this Court after creation of separate State.

Heard learned A.G.A. and perused the impugned judgment and order.

Having considered the impugned judgment, I am of the view that the judgment of acquittal is based on cogent and valid reasons. The trial court has rightly disbelieved the evidence of witnesses. I do not find that the conclusion drawn by the trial court is either perverse or unreasonable. I do not find any justification to reverse the judgment of acquittal passed by the trial court. The view taken by the trial court on the basis of the evidence on record appeared to be justified and I do not think it proper to take a different view from that of trial court on the same set of evidence. The impugned judgment and order does not require any interference. The leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the leave to appeal is dismissed.

Consequently, the criminal appeal is dismissed.

(B.C. K., J.)

20.11.2007
ASWAL